



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF JULY, 2008** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Fish, Leonard and Saltzman, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Ron Willis, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

	<b>Disposition:</b>
<b>COMMUNICATIONS</b>	
<b>1033</b> Request of Olivia Johnson to address Council regarding address issues faced by the homeless (Communication)	<b>PLACED ON FILE</b>
<b>1034</b> Request of Patrick Lamson-Hall to address Council regarding homelessness (Communication)	<b>PLACED ON FILE</b>
<b>1035</b> Request of Jennifer Peterson to address Council regarding saving Petersons Store from eviction (Communication)	<b>PLACED ON FILE</b>
<b>1036</b> Request of Robert Faith to address Council regarding Petersons Store (Communication)	<b>PLACED ON FILE</b>
<b>1037</b> Request of Michael R. Vandever to address Council regarding Petersons Store eviction (Communication)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Tom Potter</b>	
<b>Office of Emergency Management</b>	
<b>1038</b> Approve an Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon for distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant awards (Second Reading Agenda 1005)  (Y-5)	<b>182055</b>

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<b>Office of Management and Finance – Purchases</b>	
<b>1039</b> Amend contract with Compass Computing Group to continue ongoing support for the Multnomah County Personal Income Tax Program (Ordinance; amend Contract No. 36890)	<b>PASSED TO SECOND READING JULY 30, 2008 AT 9:30 AM</b>
<b>Police Bureau</b>	
<b>*1040</b> Amend an Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon and Multnomah County for transit police services (Ordinance; amend Contract No. 52516)  (Y-5)	<b>182056</b>
<b>*1041</b> Authorize an Intergovernmental Agreement with the Port of Portland and Tri-County Metropolitan Transportation District of Oregon for transit police services (Ordinance)  (Y-5)	<b>182057</b>
<b>*1042</b> Authorize an Intergovernmental Agreement with Metro for Camp Clean-Up (Ordinance)  (Y-5)	<b>182058</b>
<b>1043</b> Apply for \$269,422 in funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to reduce crime and improve public safety (Second Reading Agenda 1016)  (Y-5)	<b>182059</b>
<b>Commissioner Sam Adams</b>	
<b>*1044</b> Authorize a \$50,000 grant to Black Parent Initiative to support its Together We Can program to increase the level of parental engagement in the education primarily of African American children (Ordinance)  (Y-5)	<b>182060</b>
<b>Bureau of Environmental Services</b>	
<b>*1045</b> Authorize agreement for conveyance, subject to a life estate, of the Charles N. and Vicki Glasco property, located in the Johnson Creek floodplain project area to the Bureau of Environmental Services (Ordinance)  (Y-5)	<b>182061</b>
<b>*1046</b> Amend grant agreement with Friends of Tryon Creek State Park to coordinate fish study in Tryon Creek State Natural Area for \$6,000 (Ordinance; amend Contract No. 37189)  (Y-5)	<b>182062</b>
<b>1047</b> Designate and assign a sewer tunnel easement on property owned by the Bureau of Water Works for the East Side Combined Sewer Overflow Tunnel Project No. 7594 (Second Reading Agenda 1017)  (Y-5)	<b>182063</b>
<b>Office of Transportation</b>	

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<p><b>*1048</b> Authorize Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon to provide funding for transit improvements along SE Hawthorne Blvd (Ordinance) (Y-5)</p>	<p><b>182064</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b></p>	
<p style="text-align: center;"><b>Bureau of Housing and Community Development</b></p>	
<p><b>*1049</b> Amend subrecipient contract with Central City Concern by \$250,000 for the homeless to access Federal entitlements and provide for payment (Ordinance; amend Contract No. 37868) (Y-5)</p>	<p><b>182065</b></p>
<p><b>*1050</b> Authorize nine subrecipient contracts for \$2,151,543 for services in support of affordable housing for low-income households and provide for payment (Ordinance) (Y-5)</p>	<p><b>182066</b></p>
<p><b>*1051</b> Accept a Tenant Readiness Rent Guarantee Agreement grant from the State of Oregon Housing and Community Services Department up to \$100,000 to assist low-income renters who face barriers accessing housing and receive payment (Ordinance) (Y-5)</p>	<p><b>182067</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard</b></p>	
<p style="text-align: center;"><b>Water Bureau</b></p>	
<p><b>1052</b> Authorize a contract for the construction phase of the Interstate Facility Meter Shop Relocation project (Second Reading Agenda 1021) (Y-5)</p>	<p><b>182068</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b></p>	
<p><b>1053</b> Authorize a \$50,000 grant to the Oregon Food Bank for 4th of July firework display (Ordinance)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING JULY 30, 2008 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Parks and Recreation</b></p>	
<p><b>1054</b> Accept a \$135,011 grant from the Alfred P. Sloan Foundation for implementation of ParkScan, a system to provide the public greater ability to report and track maintenance issues on park property (Second Reading Agenda 1022) (Y-5)</p>	<p><b>182069</b></p>
<p><b>1055</b> Lease certain space in Multnomah Center to seven tenant groups from July 1, 2008 through June 30, 2013 (Second Reading Agenda 1023) (Y-5)</p>	<p><b>182070</b></p>

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<p style="text-align: center;"><b>City Auditor Gary Blackmer</b></p> <p><b>*1056</b> Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0768, K0104, T0117, K0105, T0118, P0082) (Y-5)</p>	<p><b>182071</b></p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>Mayor Tom Potter</b></p>	
<p><b>Bureau of Planning</b></p>	
<p><b>1057</b> Adopt and implement the North Interstate Corridor Plan and amend Comprehensive Plan Map and Citywide Design Guidelines (Second Reading 1031; amend Titles 32, 33) (Y-5)</p>	<p><b>182072</b></p>
<p><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*1058</b> Authorize a Settlement Agreement and Release with Ariston Consulting and Technologies, Inc. for consultant services for the Enterprise Business Systems project (Ordinance) (Y-5)</p>	<p><b>182073</b></p>
<p><b>*1059</b> Pay claim of Phuong Truong (Ordinance) (Y-5)</p>	<p><b>182074</b></p>
<p><b>Office of Management and Finance – Purchases</b></p>	
<p><b>1060</b> Accept bid of Bernhardt Industries, Inc. for the Lents Park Improvements project for \$755,000 (Purchasing Report - Bid No. 108695) <b>Motion to accept the Report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>Commissioner Dan Saltzman</b></p>	
<p><b>Parks and Recreation</b></p>	
<p><b>*1061</b> Authorize application to the Metro Nature in Neighborhoods grant program for \$150,000 for restoration projects in Westmoreland Park (Ordinance) (Y-5)</p>	<p><b>182075</b></p>

At 10:05 a.m., Council adjourned.

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GARY BLACKMER  
Auditor of the City of Portland

By Susan Parsons  
Acting Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

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**WEDNESDAY, 2:00 PM, JULY 23, 2008**

**DUE TO LACK OF AN AGENDA  
THERE WAS NO MEETING**

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## Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: \*\*\*\*\* means unidentified speaker.

**JULY 23, 2008      9:30 AM**

**Potter:** I'd like to introduce the 58 visiting college and high school students from Portland's sister city. On the republic of korea. Could you folks stand, please?

**Potter:** The one guy has the political wave down, that's good. They are participating in a one-month summer study program hosted by Portland state university, and they are studying english and american culture at p.s.u., and staying with host families. And last year, I had the pleasure of meeting the mayor during the rose festival so, we're happy to have you here and welcome to the city council. [gavel pounded]

**Potter:** The city council will come to order. Please call the roll.  
[ roll taken ]

**Potter:** I had like to remind folks, prior to offering public testimony to the city council, a lobbyist must declare which lobbying entity they are authorized to represent. Please read the first item.

### **Item 1033.**

**Potter:** Good morning.

**Olivia Johnson:** Good morning.

**Potter:** Welcome to city council. Please state your name for the record and you will have three minutes.

**Johnson:** I'm olivia johnson. In simple terms, I support people. I spoke a month ago, primarily, on the implementation of the green zone, illegal campsite located in the city center. Commissioner nick fish kindly agreed to meet discussing this. This meeting turned out to be purely introductions and small talk. Nick, I appreciate your interest in seeing the green zone within the next year yet I disagree with the time frame. We're looking for an immediate solution. People need a place to sleep tonight. As many of you know, things are only getting worse. We're facing an economic crisis. There have been 3,943 foreclosures in Portland this year. According to the data firm reality track foreclosure filings are up by 100% in this year. With these astounding and terrifying rates, we are experiencing what the capitalists call the housing trickle-down effect. Homeowners are entering the rental world forcing rental prices to skyrocket, causing long-term rental, renters to lose their homes. We are experiencing a nation-wide emergency, and in many ways, similar to that of a natural disaster. We must respond with emergency solutions. The cities, such as l.a., seattle, and olympia have responded to the immediate problem with immediate solutions. And tent cities are popping up everywhere on private and public land, and you may be thinking, oh, we have a tent city. Dignity village. We do not. Dignity village consists of semi permanent dwellings, long-term residents and has reached the maximum capacity. Although I support the creation of tent cities, I envision a green zone as a more effective and immediate term solution. It would require simple policy change, allowing for a public green space to be converted into an illegal campsites between 9:00 p.m. to 9:00 a.m. and requires extremely basic infrastructure, port a potties and dumpsters. Cleanup crews could be run by the inhabitants and a simple set of expectations established. No drugs or alcohol, no violence, and no one under the age of 18. A green zone is an immediate solution brought to you by the community. In the meantime the community is and will continue to come up with creative and realistic solutions. To offer a few examples. Camp opportunity, creating

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a set of city-wide camping guidelines, and rotating cycle of church camping lots, and opening shelter space and vacant city, county, and federal property and buildings. And opening shelter space and community center basements, as well as efficiently using the basement right here in city hall. And it is, obvious, that the community is working extremely hard to come up with feasible and medium and long-term solutions. Some of them are already being implemented presently through the true power. The power of the people. Others, unfortunately, require you to use your excessive power and may I suggest you do so in a timely fashion, I must admit that I hate trying to work within the system I so strongly disagree with, and by do not see emergency responses to the emergency situation, I will have to fight harder against the power that unjustly enforces legal laws. So, seriously, get your act tonight, and let's make something happen.

**Potter:** Next.

**Item 1034.**

**Potter:** Thank you for being here this morning. When you speak, please state your name for the record. You have three minutes.

**Patrick Lamson-Hall:** I am Patrick Lamson-Hall for the coalition against poverty. It came to our attention three weeks ago that law enforcement agencies were systemically abusing the situation. Rumor had it this was being done to cleanse the city for the waterfront blues festival. We heard reports from our members at the Portland police bureau from clean and safe for sweeping camps without posting notice and the sweeps were conducted in a violent and easy go manner. We heard that in one instance, someone was awakened by being kicked in the face and in another instance, the citizens were given two minutes to collect their possessions. And any possessions not collected were thrown in dumpsters. And we were prepared to accept these reports after working with Wesley Flowers. The gentleman whose camp was thrown away by park rangers a few weeks back. It was clear a community response was required. And we do not act rationally. The Portland coalition against poverty set out to independently confirm it all. We visited some services and tried to track down folks who were swept. There was no shortage. And the lady who was kicked in the face by the cops spoke to us at great length about her life on the streets. Apparently, this kind of thing happens regularly. We recorded those conversations and encouraged folks to file charges against the enforcement agencies. To contact us so we could file charges. We got no replies. Since the city hall protests, word has been circulating that people who speak up for their rights could be targeted. I credited that for why no charges have been filed. There is no access to resources and no political pull, so it's almost impossible for them to stand up for their rights. And Portland coalition against poverty defines power as the ability to enact change. We were sick of looking back and watching the police take the power of the people so we acted. So many people in the house of communities don't know their rights, so for our first step we printed out flyers, telling folks that the police, what they could and couldn't do. Secondly, we organized a demonstration, amassed popular response to abuses. The message was simple, the people of this city will not sit by while the houses are under attack. Third, held a forum. The public discussion between the house and the [inaudible] the stakeholders to try and hammer out solutions to the problems that they both faced. If the people can unite and solve their problems without the help of the government, then the people have the ability to enact change. The people have the power. That is not the whole story. The people might realize their power and use it but we'll still have to contend with the police. For every step we take, they make us take two steps back. They threaten us, beat us, and target anyone who shows strength. They attack our community power. Your efforts in the service of the community are appreciated. You all do good work. But, the police force says they are more of a threat to your work than an asset. How many potholes can you fill with the proceeds from this. How many after school programs or shelter beds could you buy? Do we continue to throw money away so the police can have a free hand to do their work? The city council should unite with the citizens and tell the police hands off the poor.



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**Fish:** I want to say, i'm grateful for you and miss johnson to accepting my invitation. I thought it was more than chit-chat. I thought we got to the heart of the issues and I am pleased that sally erickson could join us, the homeless coordinator for the city, and also pleased you are both invited to participate in some discussions that she is having on green zones and other alternates, and I want you to know as the housing commissioner, I take seriously your point of view and I would encourage you to participate in that process, so we can get your input.

**Lamson-Hall:** Thank you.

**Potter:** Please read the next.

**Item 1035.**

**Potter:** Thank you for being here. When you speak, please state your name for the record. You have three minutes.

**Jennifer Peterson:** My name is jennifer peterson. Dear city council, I am here today to, to address the city council regarding [inaudible] peterson have being evicted. I'm an h.r. Professional at a manufacturing company in wilsonville, Oregon, and I have been in the field for almost 10 years now. I currently and have in the past encountered on a daily basis every type of individual.

Whether it be the blue collar worker to the c.e.o. Of the company. I assist in the benefits questions, with the compensation, performance reviews, training, promotions within the company, corrective actions, and above it all, I am there to give customer service because, because they are my customers. And I have had formally training at Portland state university and through [inaudible] insurance seminars, but you know we're I achieved my people skills? Working at my father's stores.

You can't teach people skills in school. Say learn how to give customer service to every person walking through one of those doors. For some reason, you have the perception that my, my, that the bad elements are the customers but that's not the case. We give customer service to c.e.o.'s, p.s.u. Students, western culinary institute students, which happen to have their school in the galleria across from the street from the morrison store, tourists, government officials, business travelers, lawyers, professors, physicians, residents that live downtown, construction workers working on the max line, and governor hotel employees, and, and nordstrom employees and their customers, and, and business travelers, such a diverse customer base. You might wonder what they are buying? Magazines, fruit, lottery ticket, gum, newspapers, chips, and perhaps, the concierge getting cold medicine for the business traveler at 11:00 at night. The list is endless. Now who are my dad's employees? Students looking for part-time work, maybe this is a second job, people that need flexible schedules due to health issues. Maybe a family member or a family friend looking for their first job. There may be a handful of six employees that have work for my dad for several years, and in fact, two of the managers at this store that worked for my dad a combination of over 32 years. Not everyone stays there forever but they go on to become in management working at the bank of america, mortgage broker, and an h.r. Professional. My dad always has seen the future of downtown Portland for small business even when the max line was under construction in the mid 1980s. He knew that the morrison store would become a landmark and opened two more stores. I'm asking you do not evict my dad and his employees from the location. We want to be part of the plans. My dad is willing to invest his own money to help with the redevelopment just like he did with the 4th avenue store. He invested \$50,000 of his own money. With the economy the way it is today and the job openings, please do not let nine employees lose their job. Like I said before, a lot of them have this job as a second income and this will affect them financially and they will have to file for unemployment, which in turn, affects Oregon and unemployment ratings. Please consider this eviction. It will have a ripple effect in the downtown Portland economy.

**Potter:** Please read the next.

**Item 1036.**

**Potter:** Thank you for being here. Please state your name for the record.

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**Robert Faith:** I am robert faith. I work at peterson stores, and I want to ask a question of any of you, if by a swipe of a pen, half your income was taken away, how would you feel? I think that, that the politics is compromised and you heard that doug invested money into one of his stores. If you come down to the 4th street store, I challenge you to do that. Talk to our customers, the employees. Find out what we're about. We are a convenience store, and the numbers aren't great, you know. They are not earth shattering or shaking but the percentages are scary. 30% of the employees are going to be let go. The community service is going to disappear. The entire block will have an empty storefront. It will be less information given to tourists, you know, talking about people getting medicine at 11:00 at night, you know. Please come down and take a look at it, talk to the employees and the customers and really, not just rely on a memo. Unless you have seen it yourself, won't understand what we're doing. It's not the grand job that, that is going to change the world but we do provide a service. A good service to a community that I live in. I live on morrison street on the 1000 block. Lived here 10 years. Owned my own business, been 10 years in the air force, a manager of a hotel, I have had jobs, a part-time job, just to supplement my income. I was almost retired at that point. I enjoy working there. I will always work with customers and people in the gift service industry. We need to reach out to each other. Businesses and government should work together to grow and change. If there are policies we need to change we will because we want to be part of the community now and in the future. Ending it doesn't solve anything or change the problem. I can show you we're not the cause of the problem. You can find that out for yourselves and take a look and ask around. It's a complicated issue. But I want more thought put into it. I want to reach out and talk to each other about compromise. We can change policies, lighting, security, we can remodel the store if, you know, if that's it, but it would take a commitment to the future of the area. He's willing to invest money. Done it before when we reached a long-term lease with a prior business owner. The community is behind us. We have had thousands of signatures. Listen to them. This is not just, you know, one small business as part of a community we're, we're, not the heart and soul of it. So many people pass through there. This is not just a small thing. You know, I will lose my job. I can get another one but I want to keep this job. I like, I like knowing my neighbors, I like meeting the new people that I do. I like helping tourists find the restaurant or happening with the max information. I have given so much information about max, I should get a commission from tri-met, for crying out loud. Can you take the time to look at this closer before we make an irrevocable decision that will harm the community and cause more problems than we can imagine right now? That's, that's, you know, we'll reach back and we can work together. I mean that. Thank you.

**Potter:** Thank you. The next name.

**Item 1037.**

**Potter:** Thank you for being here. Would you state your name.

**Michael R. Vandever:** I am michael r. Vandever, the manager of petersons on 4th avenue. I've been with petersons nearly 16 years. I've found mr. Peterson to be a very kind and, and but demanding employer. He requires that we do our job and, and to follow rules. These rules are very important to a business such as ours. As you will note in the portfolio I handed to you that he's are three, three certificates given to three different stores by the Oregon liquor control division in the past month. It says that we do training for employees, we comply with all the rules of selling alcohol products to people who are sober. And not intoxicated, and no minors are sold alcohol in the stores. And i'd like to also bring up a safety issue with regards to the peterson's store on morrison. You will see two photographs there with the certificates. It shows what the frontage of the store will look like if, if the store is turned off with all the lighting turned off. There's a 14-foot overhang for the tri-met line, and, and when you wait for this line at night, there is always lights because petersons is open. The shoe store, which was closed recently and moved down to, to 4th and morrison, occupied, occupied the, of the east side from us, and also, the west side was a

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luggage store. And, and they have shuttered and, unfortunately, it's a very dark and un, unsafe place at night. And people do sit down in front of those locations and, and we do our best to go out there and monitor who is out there and make sure that they are, they are moving along. As best that we can. There are six individuals who have responsibility on that platform. And unfortunately, we're the only ones being looked at with regard to scrutiny. The other five are the city of Portland, who owns the building, and then there is the bush gardens at the other end, tri-met, and then two entities that I think have a very direct effect on the city, itself, and those are the two empty store fronts. Now, I think to add more security to that area, if the city was willing to invest a little money, maybe 15, 20 a month, they could turn the lights on in those businesses. Leave them on 24-7 or put them on a timer. That would add more security to the area. And it would also help peterson's to maintain their secure area, also. Another part of the, of the security issue is the number of calls reported that peterson's has regarding what they call for. This is last year, there were two phone calls from peterson employees because of two heart attacks on the light rail line. And there was also a stabbing that occurred at 10th avenue from a gentleman who came from, from the, the club on stark and 10th. He stumbled into our store about 2:00 a.m. Because he had a knife wound. And my question is this, if you are going to condemn us for calling the police, where's the humanity in all of this? And also, as you notice, there is another article from the Oregonian regarding bankrupts. This is a successful business and it does employ people, and I think it would be good to keep those people employed. I would like to name nine names, robert, richard, rand, selena, stanley, marvin, daniel, and john michael. These are individuals who will lose their jobs. This is a tax base that the city cannot afford to lose. Either from the employer or the people that live and work there. Thank you.

**Potter:** Move to the consent agenda. Does any commissioner wish to pull an item from the consent agenda? Any member of the audience wish to remove a specific item from the consent agenda? Please call the vote.

**Adams:** Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded]  
There are no time certain this is week. We're moving into the regular agenda. Item 1057.

**Item 1057.**

**Potter:** Second reading. Call the vote.

**Adams:** Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye.

**Item 1058.**

**Ken Rust, Director, Office of Management and Finance:** Good morning mayor and members of the council, I am ken rust, the director of office management finance. The agreement that's before you this morning, subject to your approval would provide for the payment of west point \$6 million to ariston of which 910 is retainage. It's for work performed and sent by the city. The remaining 700,000 represents the resolution of all remaining matters, including their claim for additional payment of 3.2 million for other work performed. It is myson that the city accept the settlement. Based on several different factors. One, although we believe that there are some issues with the work that ariston has performed and we have issues about this particular claim, if we are not able to resolve that through a settlement, we will proceed to litigation. Litigation will take time, and it will take money for us to, to prosecute and even if we prevail, it's not certain what we would receive from ariston, which is a small firm. But more importantly, we are in a critical point in time with this particular project, which we've been talking with you about in the past. We know the challenges that we faced. And if we have to take, keep people from the project and divert them into a litigation effort, I think that we seriously jeopardize the time schedule, time on this project is money. Every month we slip, cost the city at least 1.2 million. And, and we do think that we have reached a reasonable agreement for the claims that we have been discussing with ariston. The project budget did anticipate the potential for a settlement claim and, and there is no impact on the budget based on this settlement amount. For those reasons and for, for the largest reason, frankly,

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which is the effort that city employers are expending on this project and the strain that litigation would place on this, as their director I don't think it would be responsible for me to subject them to that at this point in time. So for all those reasons, I believe this is the right thing for us to do to settle this matter and move forward with this critical project.

**Potter:** Questions from the commissioners?

**Adams:** Are we doing on meeting the revised time line?

**Rust:** We are still scheduled now to have an implementation in november. I can tell you that, that it is a very complicated project. There is a lot of work ahead of us. We are committed to implementation of the finance portion of the project in november, and at this point in time, that's our objective and that's what we're driving to and we fully expected that at this point, that's the schedule we will adhere to.

**Adams:** Any other deviations from, from the revised time line we should know about at this point? Everything else on track?

**Rust:** At this point in time, that's the time schedule that we have had. A lot of work with the consultants and our project team over the last couple of weeks, and there are things that, that have come up with this project that have surprised us. More work. Consultants have a plan for dealing with that to keep us on time, and all I can say is that this is a very complicated project. Not going to be easy, and, and we have a team that's totally committed to making this successful with the goal of financing in november.

**Adams:** After that, do we have dates for the rollout of the other components?

**Rust:** The next piece of the project was the implementation of the goal, what we call the human capital management, which includes payroll. And, and the time schedule currently is in april. I don't know whether, whether that, that, whether there is any change at this point, and we really have focused on the finance pieces at this point, although we are working on, on the [inaudible] pieces, as well.

**Adams:** Thank you.

**Potter:** Any other questions? Is there a signup sheet?

**Parsons:** There was and we did not have anyone sign up.

**Potter:** Is there anyone here who wishes to testify to this matter? Please call the vote.

**Adams:** I think that, I am going to support this, but I think that we need to remain very vigilant on this project to make sure that it, it stays on, on track on the revised time line. But, I think that, that supporting this settlement is, is, is less risky to the city and less expensive than pursuing litigation. So, i'm going to vote aye.

**Fish:** Ken, thanks for the time you took to brief me on this and bring me up to speed. I used to do a lot of mediation work. Good mediation is a settlement we're both sides are unhappy. I think as I looked at this, I think both sides have reason to be unhappy. The city, they are paying one more penny to this organization, and, and ariston, because they are getting pennies on the dollar, essentially, of what they claimed. I'm persuaded that, that this is a good deal in part because, because if we worked to go to litigation, and it were to push back by one month the time line for bringing the system online, the cost would, would swamp whatever the recovery was in this action. So, i'm prepared to support is the recommended settlement. Aye.

**Leonard:** I think it's important to, to remember that, that, ken inherited this project, and, and he inherited it in a certain state that, that, um, that I think his leadership has helped correct, and I have a lot of faith that, that, that ken is watching this, and, and is overseeing it in a proper manner and is doing exactly the kinds of things that, that arguably should have been done at the inception of the project that were not done, and, and that he's going to deliver to us a good system, and I appreciate the work that you have put into this, protecting our interests. Aye.

**Saltzman:** Aye.

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**Potter:** Ken and I had our discussion about this. It sticks in my craw but I think that anything else is going to only potentially increase the, the monetary liability for the city. Thank you folks. You have done a good job on this. Ken, thank you. I vote aye. [gavel pounded]

**Potter:** Please read item 1059.

**Item 1059.**

**John Buehler:** I'm John with the office of risk management, and this claim involves a case of clear liability for a minor auto accident where our driver hit a Mercedes. Risk management has reimbursed the vehicle's owner's insurance company for cost to repair the car, and unfortunately, there had been frame damage to the Mercedes and the owner made claim against the city alleging that despite the repair work done, the value of the car had been reduced as a result of the accident. Through an independent appraiser, we determined that the vehicle had lost value from the accident, and, and the proposed settlement will resolve that diminished value claim, and also claim the loss of the use of the car.

**Potter:** Questions? Thank you. Is there anyone signed up to testify on this matter?

**Parsons:** No one signed up.

**Potter:** Emergency, call the vote.

**Adams:** Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye.

**Buehler:** Thank you.

**Potter:** Please read item 1060.

**Item 1060.**

**Jeff Baer, Director, Bureau of Purchasing:** I'm the director of the bureau of purchases and before you is a recommendation to award a construction contract to Bernhardt Industries for 755,000 for the Lents Park improvement project, and to highlight a couple of, of notable facts related to this, Bernhardt Industry says they have 38% minority small business participation of these subcontracting dollars so I think that that's a good percentage, they recollect their good faith efforts on, they are in compliance with their equal benefits requirements, and, and I'll stop there and, and recommend awarding the contract.

**Potter:** Questions from the commissioners? Thank you. Is there anyone signed up to testify?

**Parsons:** No one signed up.

**Potter:** Anyone here who wishes to testify to this matter? I need a motion and second.

**Saltzman:** So move.

**Leonard:** Second.

**Potter:** Please call the vote.

**Adams:** Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded]

**Potter:** Please read item 1061.

**Item 1061.**

**Potter:** Commissioner Saltzman.

**Saltzman:** Thank you, Mr. Mayor. This is an application for 150,000 grant from the Metro, nature in the neighborhood program to restore Crystal Springs Creek banks in Westmoreland Park.

**Potter:** Questions from the commissioners? Did anyone sign up to testify on this matter?

**Parsons:** No, they did not.

**Potter:** Anyone here wish to testify to this matter? Emergency, call the vote.

**Adams:** Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded]

**Potter:** We are adjourned until next week.

At 10:05 a.m., Council adjourned.